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Administration of justice at the United Nations

Activities of the Office of the United Nations Ombudsman and Mediation Services

Report of the Secretary-General

Summary

The present report is the sixth covering the activities of the Office of the United Nations Ombudsman and Mediation Services, which delivers workplace informal conflict resolution services to the Secretariat, the funds and programmes (United Nations Children's Fund, United Nations Development Programme, United Nations Population Fund, United Nations Office for Project Services and United Nations Entity for Gender Equality and the Empowerment of Women) and the Office of the United Nations High Commissioner for Refugees (UNHCR).

The report contains information on the activities carried out during the period from 1 January to 31 December 2013. It focuses on Secretariat-specific activities, including dispute resolution services offered to staff, outreach activities and initiatives to promote greater conflict competence among staff and managers and observations on systemic issues. Detailed information on the specific activities undertaken by the funds and programmes and by UNHCR is provided in separate annual reports, which can be found on the Intranet pages of the respective entities.

* A/69/100.

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I. Informal conflict resolution

A. Workplace conflict and its impact

1. Conflict exists in all areas of life, including organizations. Disputes and disagreements can be catalysts that allow organizations to learn and evolve, but they can also pose risks and have the potential to erode productive working relationships. If not addressed effectively, workplace conflicts can be detrimental to the achievement of strategic organizational objectives.

2. In the United Nations, an organization that was created on the bedrock principles of promoting peaceful relations and of harmonizing the actions of nations,[1] resolving workplace conflicts should be a natural process. Settling disputes through informal means, promoting a culture of collaboration and mutual respect, developing managerial and staff competence to handle conflicts and understanding why disputes occur are some approaches that can mitigate the risks posed by workplace conflict. Nurturing a harmonious working environment includes developing the ability and capacity to promote constructive discourse on timely and preventive measures to minimize the negative impact of conflict.

B. Mandate of the Office of the United Nations Ombudsman and Mediation Services

3. The Office of the United Nations Ombudsman and Mediation Services provides confidential and impartial assistance with the aim of resolving a wide range of workplace issues and disputes. It serves staff globally, at headquarters duty stations and in remote field locations, including where the United Nations is engaged in field operations. Disputes relating to contract renewal, equity of treatment, staff selection, discrimination, the imposition of disciplinary measures, interpersonal issues or situations where staff members feel they have been maltreated are some of the issues case officers typically deal with. In addition, case officers identify systemic issues underlying conflicts and bring them to the attention of the Organization's management on an ongoing basis.

4. An increasing focus of the Office is the development of the knowledge, attitude and skills that enable employees to handle situations of conflict constructively, in other words, the development of "conflict competence" (for further details, see A/68/158, para. 5). The Office helps develop conflict competence through thematic informational sessions and workshops, skill-building initiatives and sustained engagement with various stakeholders. These elements are embedded in outreach activities aimed at raising awareness of the services offered by the Office and the advantages of resolving conflict informally.

5. These broad areas of work are intertwined and interdependent. Issues uncovered during interactions with visitors often provide the means to identify systemic gaps and inform the design of broader conflict competence and prevention initiatives, in addition to developing conflict handling skills. Moreover, the Office's areas of work are embedded in the core responsibilities of all case officers, thus

[1] See Article 1 (4) of the Charter of the United Nations.

ensuring a holistic and inclusive approach to conflict resolution, as well as an optimal and efficient utilization of the resources of the Office.

C. Core principles of practice

6. In delivering its mandate and carrying out its work, the Office is guided by the core principles of independence, neutrality, confidentiality and informality, which are aligned with internationally established standards of practice for the organizational ombudsman profession.

Independence

7. The Office maintains independence from other organizational entities, organs or officials and has direct access to the Secretary-General, the executive heads of the funds and programmes and the Office of the United Nations High Commissioner for Refugees (UNHCR) and senior management throughout the Organization, as needed; access to information relevant to cases, except medical records; and access to individuals in the Organization for advice, information or opinion on any particular matter.

Neutrality

8. The Office serves as an advocate for justice and fair, equitably administered processes, not on behalf of any individual within the Organization, taking into account the interests, rights and obligations of the Organization and the staff member, and the equity of the situation.

Confidentiality

9. The Office maintains strict confidentiality and does not disclose any information about individual cases or visits from staff members; it cannot be compelled by any United Nations organ or official to testify.

Informality

10. In respect to its informality, the Office does not keep records for the United Nations or any other party; does not conduct formal investigations or accept legal notice on behalf of the United Nations; does not have decision-making powers; and does not make determinative findings or judgements.

II. Overview of the Office of the United Nations Ombudsman and Mediation Services

11. The Office serves the constituencies of the following entities, grouped into three pillars: the Secretariat; the funds and programmes, including the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF), the United Nations Office for Project Services (UNOPS) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women); and UNHCR. The constituencies are served by the Office's three pillars, each of which was established and is administered by its respective entity or entities.

12. The Office is headquartered in New York and has seven regional offices and a mediation service, as established by General Assembly resolution 62/228. The regional offices are located in Bangkok, Entebbe (Uganda), Geneva, Kinshasa, Nairobi, Santiago and Vienna. Each office is served by a dedicated regional ombudsman. The ombudsmen for the funds and programmes and for UNHCR provide services to their global constituencies from New York and Geneva, respectively.

13. The staff of the Office continues to collaborate on a regular basis to harmonize practices. Knowledge-sharing is a crucial form of collaboration among the Office's pillars. Regular participation in the discussion of cases and practice parameters enhances mutual learning and ensures the retention of institutional knowledge. During the reporting period, staff of the Office regularly analysed cases, shared a data platform and website, collaborated on mediations and worked on a joint educational and outreach brochure. Additionally, a global team meeting that included skills development components was held in New York.

III. Informal conflict resolution: overview of cases and trends

A. Ombudsman cases

14. The Office opened 2,079 cases in 2013, an increase of 2 per cent over the previous year. Of those cases, 1,605 originated in the Secretariat, 340 in the funds and programmes and 134 in UNHCR. After the current system of administration of justice was established in 2009, the number of cases increased during the first three years, then remained at similar levels in 2012 and 2013 (see figure I). During the same period, the percentage of cases from Secretariat staff in field missions increased steadily year upon year (see figure II).

Figure I
Number of cases opened by the Office, 2008-2013

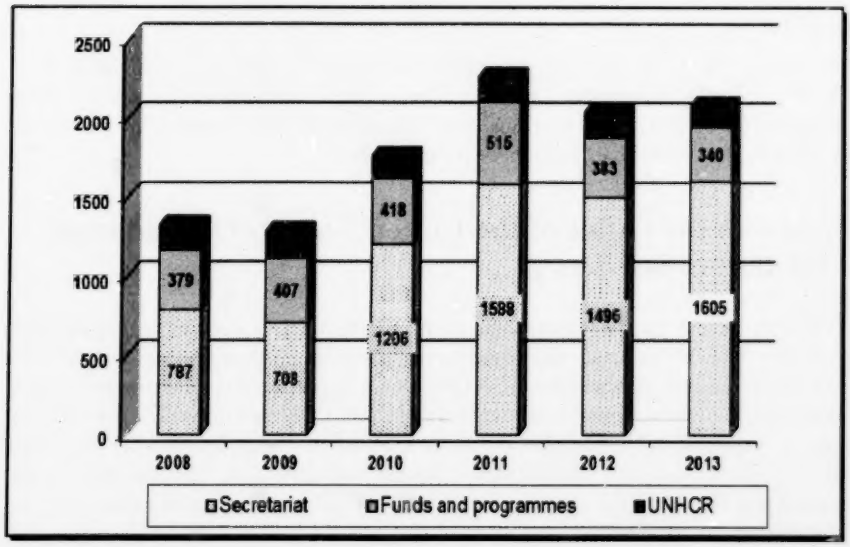
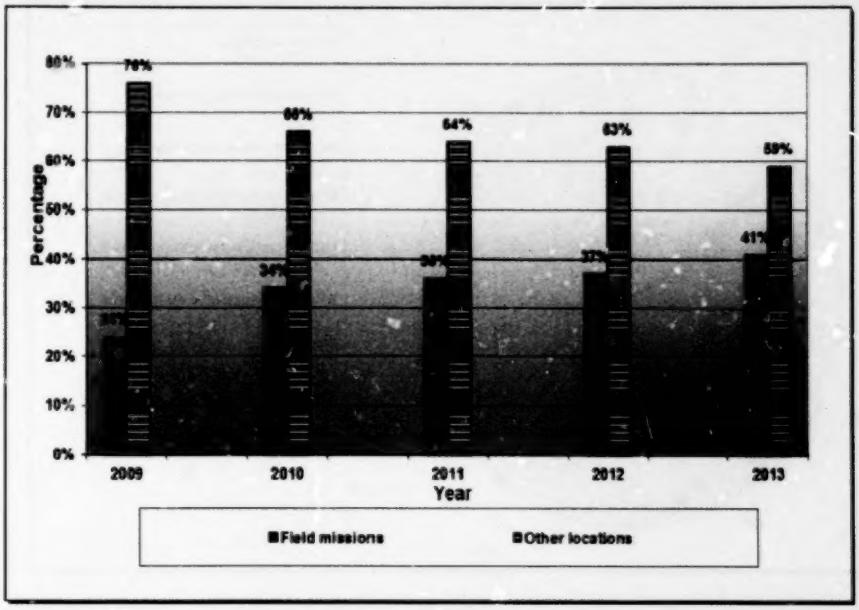


Figure II

Percentage of cases from staff in field missions and at other locations, 2009-2013



15. Cases often involve the presentation of issues, as well as of additional, interconnected matters and concerns. The categories of issues raised by the cases brought forward in 2013 are shown in figure III. The categories "job and career" and "evaluative relationships" (the relationship between a supervisor and a supervisee) collectively account for more than half the total volume of cases in 2013. While this is consistent with the pattern seen in the previous three years, in 2013 there was a slight decrease in job and career issues and a slight increase in evaluative relationship issues. Over the past four years, approximately one in five issues (21 per cent) brought to the Office expressly concerned evaluative relationships; the second-largest category of issues related to job and career (see figure IV).

Figure III
Issues brought to the Office in 2013, by category

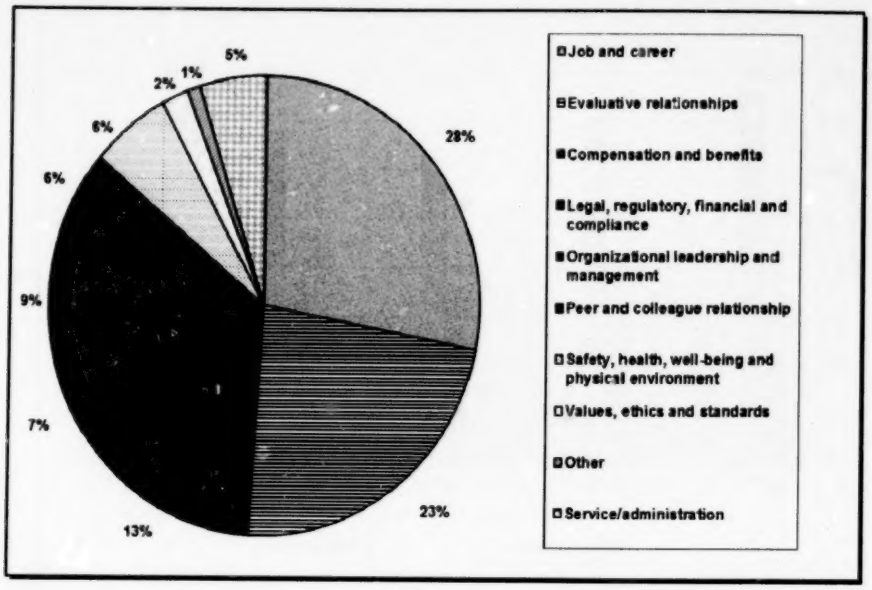
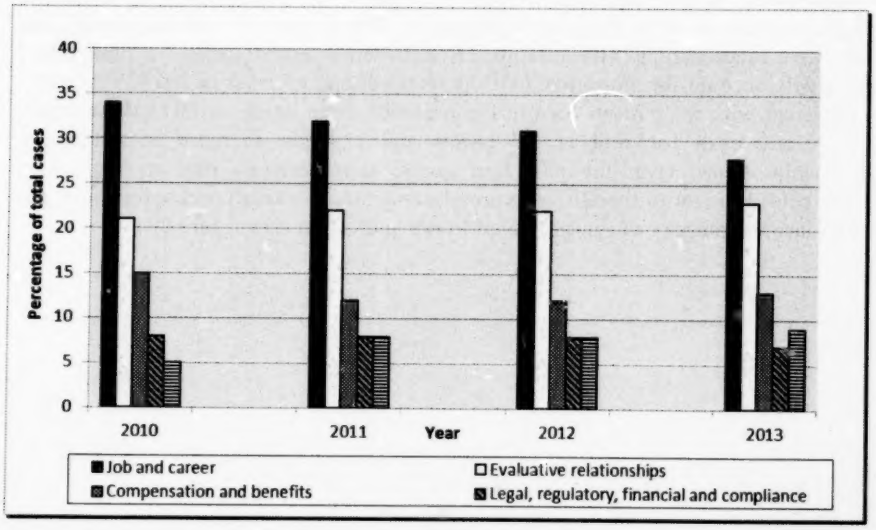
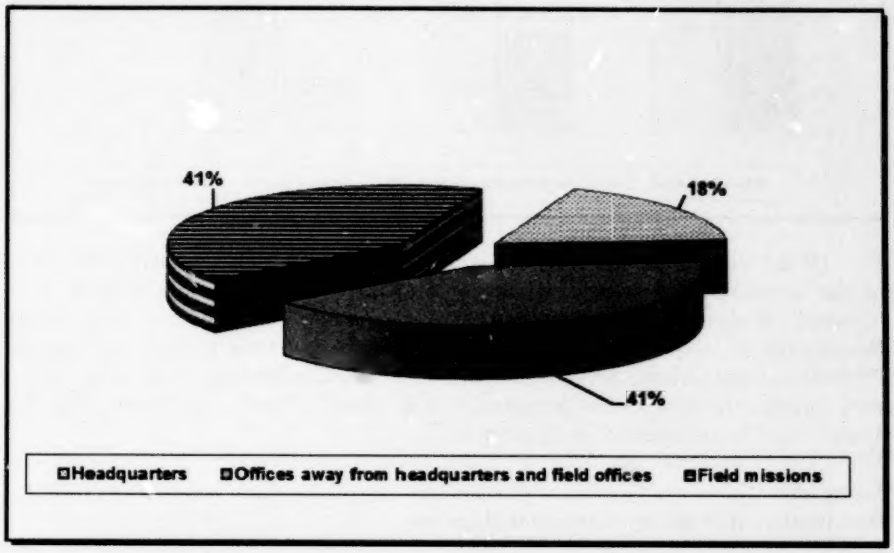


Figure IV
Top five issues, 2010-2013



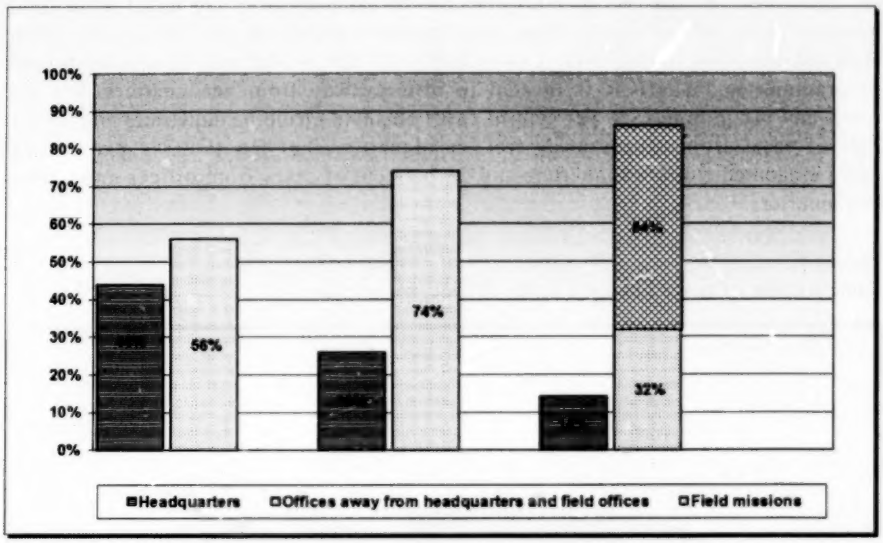
16. In 2013, 82 per cent of cases emanated from offices away from headquarters, country and field offices, and field missions[2] (see figure V). Particularly notable, for the Secretariat, is the fact that 86 per cent of cases in 2013 emanated from field missions and offices away from Headquarters while 14 per cent came from Headquarters (see figure VI). The majority of the workforce of the funds and programmes and UNHCR is located in offices away from headquarters. For the funds and programmes, 26 per cent of cases emanated from headquarters and 74 per cent of cases from offices away from headquarters. For UNHCR, 44 per cent of cases emanated from headquarters and 56 per cent of cases from offices away from headquarters.

Figure V
Distribution of cases brought to the Office, by origin



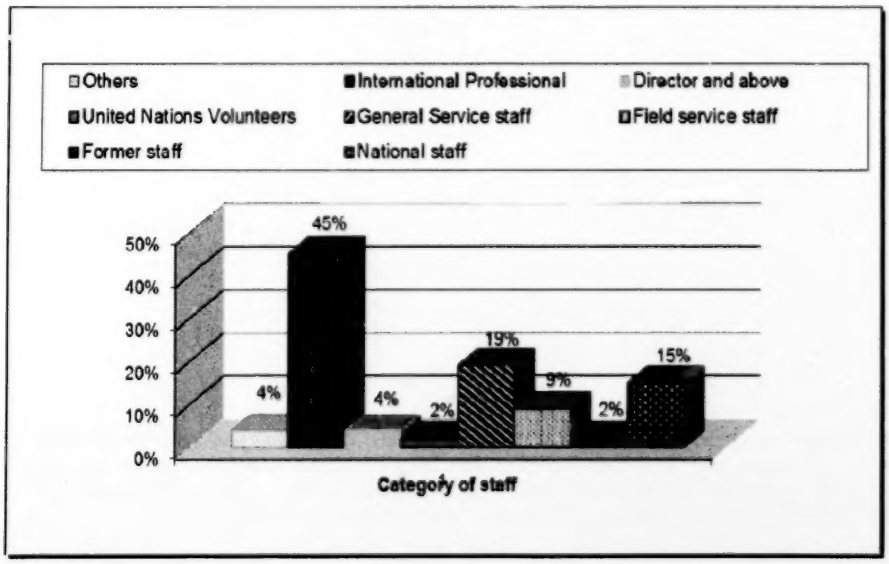
[2] Headquarters include: New York, for the Secretariat; New York and Copenhagen, for the funds and programmes; and Geneva and Budapest, for UNHCR. Offices away from headquarters and field offices include various country offices for the Secretariat, the funds and programmes and UNHCR. Field missions are peacekeeping and special political missions.

Figure VI
Distribution of cases brought to each of the three pillars, by origin



17. Of the total number of cases brought to the Office, 45 per cent came from staff in the international Professional category; 19 per cent came from support staff (General Service category) located at Headquarters and offices away from Headquarters; 15 per cent came from national staff (including staff in the Professional and General Service categories); and 9 per cent came from field service staff (applicable only to the Secretariat) and others. This is consistent with the overall trend in past years (see figure VII).

Figure VII
Distribution of cases, by occupational group



18. The General Assembly, in paragraphs 23 and 37 of its resolution 68/254, requested information on the number and nature of cases brought forward by non-staff personnel. During the reporting period, the Office received 121 cases from non-staff personnel, of which 60 per cent came from individual contractors and consultants and the remaining 40 per cent came from other categories of non-staff personnel, such as volunteers, interns and retirees (see the table below for information on the nature of those cases).

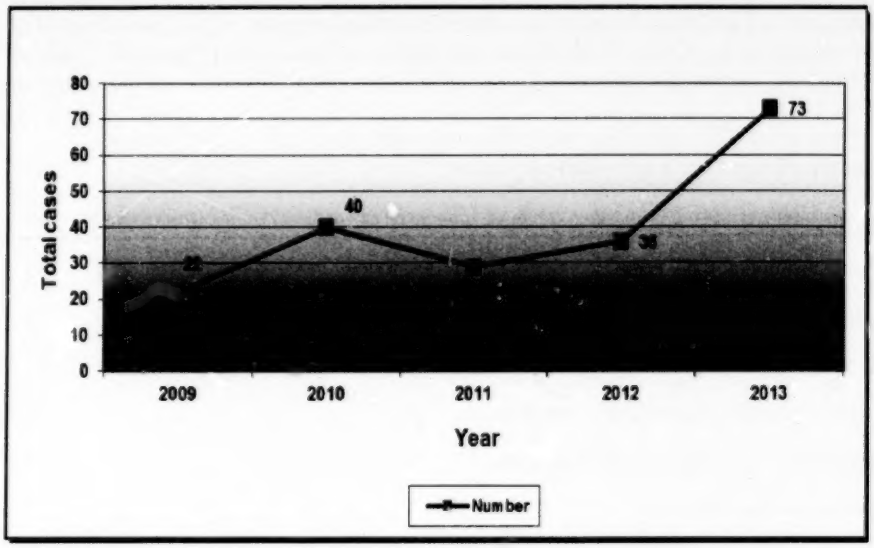
Nature of cases from non-staff personnel

Category of issue	*Distribution (percentage)*
Compensation and benefits	35
Job and career	22
Service/administration	11
Legal, regulatory, financial and compliance	9
Organizational leadership and management	8
Evaluative relationships	7
Values, ethics and standards	4
Peer and colleague relationships	2
Safety, health, well-being and physical environment	2

B. Mediation cases

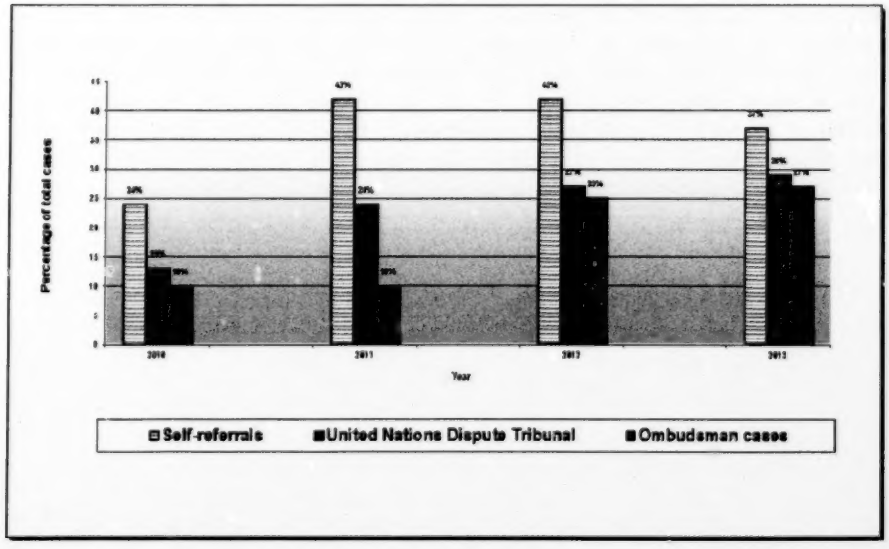
19. During the reporting period, a total of 73 cases, including group cases, were opened by the Mediation Service. Of these, 63 emanated from the Secretariat and 10 from the funds and programmes. This represents a growth from the previous year and appears to indicate an increasing acceptance by United Nations staff and managers of mediation as an effective conflict resolution mechanism (see figure VIII). The Office continues to make efforts to provide mediation services in field missions through the use of a roster of on-call mediators maintained and developed as part of a collaborative partnership between the United Nations and the World Bank.

Figure VIII
Number of mediation cases opened, 2009-2013



20. In 2013, 29 per cent of mediation cases were referred by the United Nations Dispute Tribunal, 30 per cent were self-referrals (i.e., the party or parties to a dispute requested a mediation) and 27 per cent were referred by ombudsmen within the Office. The remainder of the cases came to mediation as a result of the efforts of other offices (the Office of Staff Legal Assistance and the Management Evaluation Unit, among others) to encourage parties in a dispute to seek mediation. The sources of mediation cases during the period from 2010 to 2013 are shown in figure IX.

Figure IX
Mediation cases by source, 2010-2013



21. Confidentiality is an essential guarantee of the mediation process. The rationale underlying this privilege is that confidentiality is necessary to promote candour and honest dialogue, which facilitates the resolution of cases. The scope of confidentiality protection afforded by the Office encompasses all communications and the terms of a settlement. It is determined by generally accepted international standards of the profession,[3] an agreement of confidentiality signed by the disputing parties and the statutory privilege recognized in article 15 of the rules of procedure of the United Nations Dispute Tribunal.

22. The General Assembly, in its resolution 68/254, requested the Office to report to the Assembly on the financial and administrative implications of settlements. The Office continues to approach all requests for disclosure with full consideration to the need to safeguard confidentiality. All information provided is general and aggregated.

23. Most mediation cases are resolved without any financial component in their settlement. The need for recognition, development, acknowledgement and respectful treatment frequently comes to light in mediations, and compensation often takes non-pecuniary forms such as an apology, nomination for participation in a training programme or an agreement to re-establish communication, among others. In 2013, most mediation cases were settled on terms such as those specified above and did not include a financial component. Of cases that were resolved in 2013 with settlements that included a financial component, more than half related to job and career and were a result of interpersonal differences in evaluative relationships.

24. Mediation is a flexible process in which the needs and interests underlying disputes surface. Early mediation at the interpersonal level can prevent differences from escalating into a situation that could later become adversarial, lead to litigation and, ultimately, have financial implications. Additionally, relational issues, if not addressed early and effectively, can spiral into other serious matters such as a breakdown in the relationship between staff and managers.

25. Mediation offers an effective avenue of dealing with conflicts that can enhance workplace relationships, mitigate the risks of escalation, litigation and possible adverse effects on the substantive work output.

C. Regional engagement

26. In its resolution 68/254, the General Assembly stressed the importance of ensuring access for all staff members to the system of administration of justice, regardless of their duty station. The establishment of the seven regional ombudsman offices has enabled the Office to decentralize its services, take into consideration regional and local dynamics, improve access and work collaboratively with field-based partners and stakeholders. The complexity and sensitivity of issues faced by staff in the field makes easy access to the Office's services a necessity.

27. Enhancing decentralization and ensuring access to informal conflict resolution services to all staff is essential as the United Nations is present in multiple locations around the globe in order to respond to evolving peace and security mandates.

[3] See paragraph 4 of General Assembly resolution 61/261, in which the Assembly decided to establish a "professionalized" system of administration of justice.

Despite challenges, the Office is committed to making it easier for field staff, especially those in remote locations, to access its services. Doing so is all the more important considering that field mission environments are typically physically arduous, emotionally stressful, unpredictable and dangerous.

28. The Office continues to conduct visits and regular and ad hoc interventions at duty stations and field locations where no regional ombudsman is present. Since travel is not always possible, many cases are handled remotely by telephone or videoconference. The importance of face-to-face meetings and outreach, however, cannot be underestimated, especially in establishing trust and dealing with particularly sensitive situations. The value of in-person access to the Office has been further echoed by staff and managers in special political missions and other offices in the field, especially in the Middle East, where ombudsmen are frequently asked to visit. To ensure equal access to all staff, including those in special political missions, a proposal will be presented in the context of the budget submission for the biennium 2016-2017 to strengthen capacity for special political missions.

IV. Promoting conflict competence and conflict prevention

A. Building skills and awareness

29. The Office strives to assist staff and managers across the Organization in building and maintaining harmonious working relationships through initiatives aimed at achieving conflict competence and preventing conflict. Conflict competence at the individual and group levels involves developing cognitive, emotional and behavioural skills that engender a climate of trust, collaboration and communication. At the organizational level, it involves aligning policies, practices and standards to reinforce a culture of dialogue and amicable resolution of conflict. This contributes to a climate where conflict can be better identified and prevented.

30. The Office aims to equip and empower staff to manage disagreements and incompatibilities creatively, effectively and early — thereby preventing such conflicts from escalating and minimizing their negative impact. This is done through a wide range of initiatives, including: conflict coaching and counselling during the handling of individual cases; the design and dissemination of thematic and interactive presentations to staff and managers at large, often in collaboration with other offices and entities; robust skill-building workshops for target audiences; and outreach activities aimed at raising awareness of the benefits of informal conflict resolution.

31. During the reporting period, the Office conducted numerous such skill-building activities and presentations for staff and managers at United Nations offices around the world, including the United Nations Assistance Mission in Afghanistan, the United Nations Assistance Mission for Iraq, the Economic Commission for Latin America and the Caribbean, the United Nations Truce Supervision Organization, the United Nations Interim Force in Lebanon, the Economic and Social Commission for Western Asia, the Office for the Coordination of Humanitarian Assistance, the United Nations Office for West Africa, the Office of the United Nations High Commissioner for Human Rights, the United Nations Regional Office for Central Africa, the United Nations Integrated Peacebuilding Office in Guinea-Bissau, the United Nations Mission in South Sudan, the United

Nations Office on Drugs and Crime, the United Nations Logistics Base at Brindisi, Italy, the United Nations Integrated Peacebuilding Office in Sierra Leone, the Office of the United Nations Special Coordinator for the Middle East Peace Process, the Economic Commission for Africa and the United Nations Environment Programme (UNEP).

32. The Office also endeavours to reach out strategically to key stakeholder groups, including senior managers and staff representatives. Through informational sessions promoting informal conflict resolution, the Office seeks to encourage a climate of trust, mutual understanding and collaboration. During the reporting period, presentations were made as part of the induction programme for senior leaders organized by the Office of Human Resources Management, the senior leadership programme organized by the Department of Field Support, the administrative management meeting of UNEP and a meeting of United Nations medical directors. Presentations were also made as part of staff induction programmes at different duty stations, and ombudsmen met regularly with senior officials at headquarters and field locations and with various staff representative bodies.

33. As part of its information outreach, the Office disseminated widely materials such as factsheets and brochures, and published thematic articles in various forums that could be accessed by staff at large. In 2013, the website of the Office was visited on average 2,330 times per month with the percentage of new visitors increasing from 46 per cent in 2012 to 59 per cent in 2013.

B. Collaboration within the Secretariat

34. Continuous engagement with senior officials and administrative units within the Organization is integral to the efforts of the Office to build and sustain strategic working partnerships. The United Nations Ombudsman has direct access to the Secretary-General, the Deputy Secretary-General and the Chef de Cabinet to discuss matters related to workplace conflicts and informal resolution, and he meets regularly with the under-secretaries-general of various Secretariat departments and with special representatives of the Secretary-General to promote the informal resolution of workplace conflict.

35. Additionally, during the reporting period the United Nations Ombudsman and his staff continued to participate in meetings of the Management Performance Board and the Management Committee, as well as of ad hoc working groups and other committees that deal with issues affecting staff. These exchanges have offered the Office opportunities to share insights and lessons learned, including observations on systemic issues, gleaned from the cases it receives.

36. The Office collaborated with offices and administrative units within the Organization to better understand how issues are interconnected and identify synergies and areas for improvement. For example, regular meetings were held with the Department of Field Support and the Office of Human Resources Management to provide feedback on key processes and issues, as well as to discuss specific cases. The Office continued to engage with the Medical Services Division of the Office of Human Resources Management, particularly on the need to maintain resilience for field-based staff and initiatives that promote staff welfare and well-being. The Office worked closely with the Office of Staff Legal Assistance on cases requiring

legal counsel and on a number of matters in regard of which the Office assisted with informal resolution. The option of referring visitors to the Office of Staff Legal Assistance was particularly useful when staff seeking informal resolution needed to understand the legal framework of their cases. Such collaboration also elucidated the crucial role that each office plays in finding ways to promote the early and informal resolution of conflicts.

C. External partnerships

37. Interactions with partners within the broader United Nations system offered the Office opportunities to keep abreast of the latest developments in the fast-evolving field of dispute resolution and to harmonize best practices within the unique context of the United Nations. In that regard, the Office engaged with its peers at the United Nations and related international organizations in a group of which the United Nations Ombudsman is the standing chair. In 2013, the ombudsmen met regularly with representatives within the group and attended the annual meeting of the group in Rome. Ombudsmen met with representatives of the Food and Agriculture Organization of the United Nations, the International Organization for Migration and the International Criminal Court and collaborated with the World Bank on practice-related matters and on its on-call mediation programme.

38. Ombudsmen carried out outreach activities and participated in meetings, including with recognized organizations in the fields of dispute resolution and international administrative law such as the International Ombudsman Association, the Association of Ombudsmen of Member Countries of the West African Economic and Monetary Union, the African Ombudsman and Mediator Association, the African Centre for the Constructive Resolution of Disputes, Bretton Woods Law and the Centre d'arbitrage du Congo, as well as academic institutions of higher learning.

V. Root causes of conflict — systemic issues

39. The Office identifies broad-based systemic issues on an ongoing basis, in accordance with General Assembly resolution 64/233, in which the Assembly emphasized that the role of the Ombudsman is to report on broad systemic issues that he or she identifies, as well as issues that are brought to his or her attention. A systemic issue exists independently of the individuals involved.

40. Systemic issues present unique challenges and opportunities. Where recognized, they present an opportunity for the Organization to learn and affect positive change that can contribute to preventing certain types of conflicts. Many conflicts can be traced back to such issues, which may be more deeply rooted or stem from gaps or inconsistencies in the Organization's policies, procedures, practices and structures, all of which influence organizational culture.

41. Systemic issues are identified through the cases and issues brought forward by staff, during interactions with the parties involved in conflicts, during ongoing dialogue with stakeholders and through direct observation. In the present section, some of these issues are highlighted and an update is provided on some systemic issues that have been reported on in the past.

International and locally recruited staff

42. The Office's work with visitors from peacekeeping operations, including during field visits, has repeatedly brought up a variety of issues involving locally recruited national staff, including their relationship with international staff. Difficult environments, often involving working in conflict, post-conflict or politically volatile situations, may add a further dimension of tension and uncertainty.

43. The differences in entitlements for locally recruited and internationally recruited staff are significant. In the absence of a comprehensive understanding of the framework that provides the logic for expatriate and non-expatriate entitlements, locally recruited staff may perceive these differences as unequal treatment. This perception can easily breed resentment.

44. Moreover, locally recruited staff members often serve in the same functions for many years, with limited career development or capacity-building opportunities. Owing to the transient nature of peacekeeping missions, the service of locally recruited staff with the United Nations is of limited duration. Uncertainty about their future career prospects, as well as unmanaged expectations, often creates tension and stress. This problem becomes more pronounced during phases of downsizing in missions and can be particularly acute in post-conflict environments, where alternatives to employment with the United Nations are scarce.

45. International staff may not always be aware of, or sensitive to, how their situation, behaviour and cultural norms may be perceived by national staff or of how the different treatment accorded by the Organization — with regard to both benefits and career development — could be interpreted by locally recruited staff as meaning that they are valued less than international staff.

46. Workplace conflicts in these types of environments may revolve around an issue that in essence has nothing to do with national and international staff categories but, as they develop, start to be seen or interpreted through this prism. The fallout can be conflict at various levels and even reputational damage to the mission and the Organization at large. In some instances, they may also influence the working relationship with the partners in the host country. The particular issues presented are of different kinds and vary across missions and in accordance with the specific phase of a mission life cycle.

47. There may be an opportunity to make a significant difference by placing a greater emphasis on targeted, strategic and sustained internal communications to mission staff at all levels, at different phases of the mission. A starting point for such a campaign could be the United Nations core values and competencies of fostering respect for diversity, building trust and empowering others, coupled with targeted messaging and information aimed at creating awareness of the United Nations conditions of service and the underlying organizational policies, as well as the mission's mandate, how it changes over time and everyone's role in carrying it out. Moreover, to mitigate the risk of misunderstandings or poor relations between international and national staff, the Organization may want to train and better support managers and supervisors in missions at all levels and across functions to operate more effectively and harmoniously in post-conflict situations.

Accommodating partial medical clearances

48. The Office has already reported on issues relating to sick leave and the partial ability to perform functions, and continues to be engaged on the latter issue. A staff member who has been on certified medical leave for a period of time is normally cleared by the medical service to return to work once medical conditions permit. In some cases, however, the medical service may clear a staff member as "fit to work" but with certain restrictions that take into account the person's health status, thereby assessing him or her to be only partially able to perform his or her functions. Such restrictions can be geographical or functional and the implicit expectation of the staff member is that the Organization will accommodate him or her accordingly. Such partial clearances have produced situations where staff members could not return to the position for which they had been hired and yet had no option for reassignment to another duty station or other functions through proper placement or selection procedures.

49. Offices have welcomed the identification of this systemic issue and are working to support changes that will address it. In particular, the Medical Services Division has noted that the difference in definitions used for sick leave and disability pension can create situations where a staff member is on sick leave until such entitlement is exhausted without them meeting the definition of disability provided by the United Nations Joint Staff Pension Fund.

50. It is not clear who would be responsible for providing staff members in such a situation with the medically acceptable accommodation necessary to allow them to return to work or the extent to which such accommodation should be provided by the Organization. This issue also raises the following question: to what extent can or must the Organization provide the required accommodations without infringing on the rights and needs of other staff? The systemic issue results from the fact that one part of the system produces a situation under a medical best practices framework that another part of the system is unable to translate into appropriate administrative and managerial action within its respective framework.

51. As reported in the report on the activities of the Office for 2012, a short-term opportunity is to better link the different steps involved, thereby creating a more streamlined and efficient process while also supporting affected staff members (see A/68/158, para. 82). A more long-term opportunity involves the development of a return-to-work policy that benefits both staff and the Organization. During the current reporting period, an interdepartmental working group was created to examine and address these issues.

Performance management

52. The Office has continued to contribute to ongoing discussions related to improving the performance management system. The United Nations Ombudsman participated in the meetings of the Management Committee and the Management Performance Board on this issue, and the Office provided comprehensive feedback, based on its case work, to the Office of Human Resources Management so that it could be taken into account in the ongoing review of the performance management system.

53. The Office continued to deliver presentations during the induction course for senior leaders on the linkages between performance management and conflict in the

context of the system of administration of justice. It also contributed to the Organization's training modules with a view to preventing or effectively addressing performance management-related conflict.

Strengthening investigations

54. The issue of investigations has been raised by the Office in previous reports. The ability to field prompt and effective investigations with respect to complaints that require formal investigation is part of organizational risk management. Investigations protect the wrongly accused, provide a basis for holding staff members accountable for improper conduct and may also provide the facts necessary to protect the assets of the Organization.

55. Despite recognized efforts by the Organization, fielding a prompt investigation in cases that warrant one appears to continue to be a challenge. The timeliness of the process continues to be a concern and keeping the affected staff informed of the status of an investigation, whether they are subjects or complainants, continues to be a challenge. The Office will continue to follow developments in this area and to support any efforts by relevant stakeholders and investigating entities in the various areas of the Organization to implement a practical, comprehensive, effective and responsive approach to covering the investigation needs of the Secretariat, at Headquarters and in the field.

Mislabelling allegations of prohibited conduct

56. Since the promulgation of the Secretary-General's policy on dealing with harassment, entitled "Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority" (ST/SGB/2008/5), various patterns of behaviour by staff and managers relating to the interpretation and implementation of the policy have been observed. For example, many of the complaints made citing this policy relate to behaviour that may not rise to the level of misconduct but is nevertheless being labelled as "harassment" in order to receive organizational attention in line with the policy.

57. In a collective effort, an interdepartmental working group led by the Department of Field Support was created to examine this issue, mobilizing stakeholders across the Secretariat. The group, which included a field perspective, found that many complaints currently framed as "harassment" in fact related to performance management or interpersonal communication and may not be adequately resolved by launching a formal investigation. The Office continues to be actively engaged with the Department of Field Support and the Office of Human Resources Management in this matter, to raise awareness and encourage greater use of informal resolution methods in dealing with these types of complaints.

Support to staff injured in service: ongoing efforts and opportunities

58. This issue was reported on in the report on the activities of the Office for 2012 (see A/68/158, para. 75). During the current reporting period, the Ombudsman was invited to participate in the working group of the Secretary-General on support to survivors and affected families and was pleased to be able to make a contribution to those efforts. In particular, the Office drew the Organization's attention to the need to strengthen the institutional support system for staff injured in service and surviving family members, lest a regime of special measures have the unintended

counterproductive effect of eroding or circumventing the main support system. Such an effect could, in turn, lead to the creation of different classes of injured staff: those who receive special attention and those who do not. By strengthening the main system, however, the Advisory Board on Compensation Claims and its regulatory framework, appendix D to the Staff Rules, would address the recognized need in an even-handed manner.

59. The Office has continued to provide feedback on the issue of support to staff injured in service to stakeholders such as the Department for Field Support, including its Field Personnel Division and Quality Assurance Unit, and the Department of Management, including the Secretariat of the Advisory Board on Compensation Claims in the Controller's Office, the Office of Human Resources Management, the Medical Services Division and the Emergency Preparedness Support Team. It has hosted and participated in stakeholder discussions aimed at finding a collaborative way of working towards the common goal of helping all categories of personnel appropriately.

VI. Incentives for the informal resolution of conflict

A. Value of informal conflict resolution

60. Informal conflict resolution allows the individuals involved to have a high degree of control over the process. This often yields novel and creative solutions for resolving workplace concerns. Since the process is participatory, solutions and agreements tend to be durable and it is often possible to prevent the escalation of issues. The process itself also often imparts insights that enhance the individuals' ability to manage conflicts in the future, contributing to overall conflict competency in the workplace.

61. Many concerns and dilemmas faced by staff do not stem from specific administrative decisions and therefore would not be receivable in the formal system of administration of justice. In general, and especially in such cases, the Office provides a forum with zero-barrier availability — in other words, a forum that can be accessed by staff for any kind of concern. It has been observed that if such concerns are left unaddressed they can fester, multiply and lead to increased tension and to adversarial situations where policies are invoked or administrative decisions are made that can be contested formally. Thus, informal conflict resolution and early intervention approaches can contribute to preventing issues, such as interpersonal conflicts, from escalating into formal cases.

62. The Office provides a trusted space for listening, compassion, dialogue and mutual understanding, all of which are difficult to quantify in traditional economic terms.[4] Workplace conflict entails hidden costs, for example in terms of poor morale, lower productivity, absenteeism and sick leave, and diversion of attention

[4] The Organization for Economic Cooperation and Development has observed that "efficiency" in the public sector is a complex and problematical notion, and that much of what Governments produce is intangible (recognition and other symbolic benefits, protection of rights and due process). It also observed that other "outputs" — conflict resolution, for example — are public goods that are difficult to measure in monetary terms and in key respects are impossible to link to specific inputs. (Report prepared for the Global Forum on Public Governance held in Paris on 4 and 5 May 2009.)

from the substantive work agenda. Viewed in this light, the value of the Office's services can be seen as helping to mitigate the risks, including the financial and non-financial costs, of workplace conflict.

63. Resolving disputes early and amicably, promoting conflict competence at all levels of the Organization and highlighting systemic trends collectively contribute to controlling the wide-ranging and detrimental impact of conflict.

B. Update on incentives to promote informal conflict resolution

64. In its resolution 68/254, the General Assembly requested that additional innovative measures to encourage recourse to informal resolution of disputes be recommended. The Secretary-General and the Office have proactively and continually made efforts to encourage the early and informal resolution of disputes, as have senior managers, staff representatives and various parts of the administration of justice system. The Deputy Secretary-General, the Chef de Cabinet and the Under-Secretary-General for Management have all issued directives to senior managers across the global Secretariat encouraging the use of the informal system in addressing conflicts and reminding them of their responsibility to ensure a healthy and harmonious work environment.

65. With five years of experience with the new system of administration of justice, a more pronounced cooperation and dialogue between different parts of the Organization has emerged. Efforts are being made within the administration of justice system to promote informal resolution through increased collaboration between the formal and informal channels. In the cases dealt with by the Management Evaluation Unit and the Office of Staff Legal Assistance, efforts are made to identify possibilities for informal resolution and guide parties towards it. As mentioned in the present report, workplace conflicts involve interpersonal dynamics and concerns that, if not addressed effectively and in a timely manner, can become costly in the long run.

66. Collaboration and participation in other management processes by the Office also offers opportunities for encouraging informal conflict resolution. The fact that the Ombudsman provides insights and lessons learned to the Management Committee and the Management Performance Board is a manifestation of such collaboration.

67. Informal conflict resolution can also be promoted by further embedding it in the core values and core competencies expected of staff. This could comprise mainstreaming conflict management competencies in selection and performance evaluation criteria for managers at all levels across the Organization. It would also entail recognizing that informal conflict resolution can help manage some organizational risks related to the costly and detrimental impact of workplace conflict and should therefore be taken into account as a possible mitigating factor in enterprise risk management processes.

68. Perhaps the most powerful incentive for informal conflict resolution lies in the very nature of the process itself. When confronted with conflict in the workplace, the benefits of early and informal resolution as compared with letting situations fester and become more adversarial, or resorting to formal litigation, are clear: informal resolution allows the parties to remain in control of the process, healthy

working relationships can be maintained, less time and effort needs to be expended on formal litigation processes, and the risks of financial liabilities can be avoided. Therefore, the more staff and managers are aware of informal conflict resolution, and the more they obtain direct experience or knowledge of its benefits, the more it is likely to be utilized.

69. Information on informal resolution on its own is insufficient; it must be complemented by action. It is important that staff and managers understand and adopt conflict competence skills to prevent and handle potential or actual conflicts themselves. As already highlighted in section IV of the present report, the initiatives of the Office on conflict competence and prevention include substantive skills-building modules as their intrinsic component. In several cases, ombudsmen have periodically followed up with relevant groups after conducting workshops. The longer-term sustainability of these initiatives is dependent, however, upon staff applying skills and lessons learned to work realities and challenges.

70. Efforts are being made to ensure that all communications related to the conflict resolution system clearly differentiate and explain formal and informal processes, and build consistency in the use of terminology, so that staff easily understand the services available to them and are better able to choose the avenues that best address their concerns. It is also important to seek to identify what obstacles to informal resolution exist, both in our management culture and management systems, and then resolve to remove any such obstacles.

VII. Looking ahead

71. The demands on the United Nations to deliver results in the face of expanding global challenges in the political, development and humanitarian realms remains unabated. The Organization is on the cusp of making several transformational reforms that will better equip it to respond to these demands, including the introduction of Umoja and a new mobility scheme. Against this background, it will be essential to have a vibrant, fully performing and motivated workforce and for informal conflict resolution to be one aspect of inspired leadership and change management.

72. Promoting and supporting informal conflict resolution must therefore be a shared responsibility and be embedded in management priorities. The Office is poised to support staff and managers and to be a catalyst for promoting conflict competency and contributing to a culture of change. It will encourage departments and offices to conceive and employ innovative measures and initiatives that can further teamwork, collaboration and harmonious working relationships, with the ultimate aim of making the Organization and its staff as effective as they can be.